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Docket No. 50325-0083 (1422)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Confirmation No.: 5708
	:	
Sunil K. Srivastava, et al.	:	Group Art Unit: 2132
	:	
Serial No.: 09/470,054	:	Examiner: Justin T. Darrow
	:	
Filed: December 22, 1999	:	
	:	
For: METHOD AND APPARATUS FOR	:	
DISTRIBUTING AND UPDATING	:	
PRIVATE KEYS OF MULTICAST	:	
GROUP MANAGERS USING	:	
DIRECTORY REPLICATION	:	

PETITION TO DEFER ISSUE

OF PATENT UNDER 37 CFR §1.314

**TO CONSIDER REFERENCES PREVIOUSLY SUBMITTED
IN AN INFORMATION DISCLOSURE STATEMENT**

Attn: Office of Petitions

Hon. Commissioner for Patents
Mail Stop PETITION
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicant hereby petitions to defer issue of the above-identified patent application under 37 C.F.R. § 1.314 until the Examiner has reviewed an Information Disclosure Statement (IDS) that was previously submitted by the Applicant. This petition is made to allow sufficient time for the Examiner to obtain the case file and provide copies of the three page Form-1449 showing the Examiner's initials indicating that the references listed have been considered and will appear as "References Cited" on the cover page of the patent.

The IDS of concern for this petition was submitted by the Applicant on April 19, 2004, and was received by the Patent Office on April 22, 2004, nearly two months before the

mailing of the Notice of Allowance on June 15, 2004. Please see the attached copies of the IDS submittal, the accompanying check #4513 for \$180.00, the corresponding three page Form 1449, the acknowledgement postcard returned by the Patent Office indicating receipt of the IDS by the Office of Initial Patent Examination (OIPE) on April 22, 2004, and the copies of the 35 references identified in the IDS.

To date the Applicant has not received from the Patent Office a copy of the April 19, 2004 three page Form 1449 with the Examiner's initials indicating the references identified therein have been considered. In particular, the next communication received by the Applicant from the Patent Office following the submission of the April 19, 2004 IDS was the Notice of Allowance mailed on June 15, 2004. However, that Notice of Allowance did not include a copy of the April 19, 2004 Form 1449, nor did the Notice of Allowability form indicate that a Form 1449 was included with that Notice of Allowance.

The Applicant reviewed the information for this application via the Patent Application Information Retrieval (PAIR) system, which does not indicate that the Patent Office has received the April 19, 2004 IDS. Only the initial IDS filed on December 27, 2000 is listed in PAIR, and the Applicant received the corresponding initialed Form 1449 with the Patent Office Action mailed on January 16, 2004. Thus, the first IDS filed on December 27, 2000 is not of concern for this petition.

The Applicant contacted Examiner Darrow who indicated on August 17, 2004 that the April 19, 2004 IDS had not been received by the Office, that there was nothing in either the file or the available database records that indicated that the April 19, 2004 IDS had been received by the Patent Office, and that the Applicant should resubmit the IDS.

However, as indicated by the enclosed copy of the postcard, the Patent Office did in fact receive the April 19, 2004 IDS on April 22, 2004, as indicated by the stamp on the postcard from OIPE. As stated in MPEP §503: "A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO."

Therefore, the Applicant respectfully requests that the Examiner review the references listed in the copy of the April 19, 2004 IDS and then provide the Applicant with a copy of the

corresponding three-page Form 1449 that shows the Examiner's initials by each of the 35 citations per MPEP §609(C(2)), thereby indicating that each citation has been considered.

Based on the foregoing, it respectfully submitted that Applicant has shown good and sufficient reasons why it is necessary to defer issuance of the patent as requested.

The Office of Petitions is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the consideration of this petition.

Pursuant to 37 C.F.R. § 1.314, enclosed is a check the fee of \$130 as specified in 37 C.F.R. § 1.17(h).

To the extent necessary to make this reply timely filed, the Applicant petitions for an extension of time under 37 C.F.R. § 1.136.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



Craig G. Holmes
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Date: September 14, 2004

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Attachments

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Commissioner for Patents, Mail Stop PETITION, P.O. Box 1450, Alexandria, VA 22313-1450.

on

9/15/04

by

